

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE PRESKA

LINDA BAKER

Plaintiff,

against

PORT AUTHORITY TRANS HUDSON
CORPORATION,

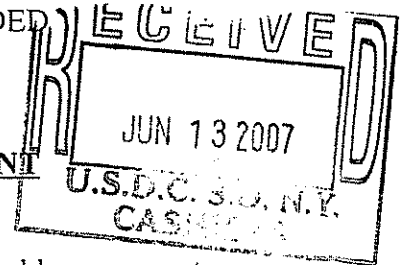
Defendant.

CIVIL ACTION
Index No.

FILE ACTION
ex. No. CIV 5621

JURY TRIAL DEMANDER

VERIFIED COMPLAINT



Plaintiff claims of the defendant damages in such sums as would reasonably compensate plaintiff for her losses and injuries under the laws of the State of New York, plus costs and disbursements, upon a cause of action whereof the following is a statement:

1. Plaintiff, Linda Baker, is an adult individual residing at 130 Lefferts Place, Apartment GL Bedford Stuyvesant, New York 11238.
2. Defendant, Port Authority Trans Hudson Corporation, was at all times material hereto a corporation duly organized and existing under and by virtue of law and was engaged in owning and operating a line and system of railroads and railroad properties as a common carrier of goods and passengers for hire in interstate commerce and transportation in, through and between various states of the United States and doing business in the State of New York.
3. At all times material hereto and for some time prior hereto, plaintiff was in the employ of the defendant as a communications passenger information agent in furtherance of the carrier's business of interstate commerce and transportation by railroad.
4. This action is brought pursuant to the Federal Employers' Liability Act, 45 U.S.C.A. §§51, et seq.
5. On or about January 2, 2005, while acting in the course and scope of her

employment, plaintiff was performing her regular duties outside the Port Authority Trans Hudson Corporation facility at 33rd Street in New York.

6. On or about January 2, 2005, plaintiff was attempting to open a steelgate when the weight of the gate caused an immediate onset of dorsoradial left wrist pain.

7. As a result of injuring her left wrist, plaintiff was caused to suffer personal injuries as more fully described below.

8. Plaintiff's injuries were caused both directly and proximately by the negligence, gross negligence, carelessness, recklessness and/or unlawful conduct of the defendant, by and through its agents, servants and/or employees and/or its ostensible agents, servants and/or employees in the following respects which include, but are not limited to:

- (a) failing to use ordinary care to furnish plaintiff with a reasonably safe place to work and to perform the duties of her employment by failing to warn plaintiff of the hazardous gate which was jammed shut;
- (b) failing to use ordinary care to furnish plaintiff with a reasonably safe place to work and to perform the duties of her employment by requiring plaintiff to perform her assigned job tasks alone without the help necessary to lift said gate;
- (c) failing to warn plaintiff and others of the dangerous and/or hazardous condition of the gate, particularly the fact that to open the gate required manual effort when defendant knew or should have known required more than one individual to lift;
- (d) failing to remedy and/or correct the defective, dangerous and/or hazardous conditions of the gate including having a gate that did not require manual force to open;

- (e) failing to use ordinary care to service and/or maintain the gate in a reasonably safe condition;
- (f) failing to comply with governmental and/or other applicable safety regulations and/or guidelines concerning the maintenance of the gate;
- (g) failing to instruct and/or train plaintiff on the proper method of opening said gate;
- (h) failure to remove said gate and replace it with a chain to close off platform.

9. As a direct and proximate result of the negligence, carelessness, recklessness and/or unlawful conduct of the defendant, as more fully set forth above, plaintiff was caused to suffer severe and permanent injuries, severe shock to her nerves and nervous system, aggravation, acceleration and/or activation of any and all pre-existing ailments and/or conditions, and more particularly, but not in limitation of, any other personal injuries she may have sustained, plaintiff suffered an acute onset of tendonitis requiring surgery to correct said problem causing great physical pain and mental distress which she yet suffers and will continue to suffer into the future.

10. As a direct and proximate result of the negligence, carelessness, recklessness and/or unlawful conduct of the defendant, as more fully set forth above, plaintiff was obliged to expend significant sums of money for medical treatment and will be required to expend considerable amounts of money into the future for medical care in order to effect a cure and/or a diminution of her injuries.

11. As a direct and proximate result of the negligence, carelessness, recklessness and/or unlawful conduct of the defendant, as more fully set forth above, plaintiff has suffered in the past and will continue to suffer into the future significant pain, mental anguish, humiliation and disfigurement and the limitation and restriction of her usual activities, pursuits and pleasures.


12. As a direct and proximate result of the negligence, carelessness, recklessness and/or unlawful conduct of the defendant, as more fully set forth above, plaintiff has suffered in the past and will continue to suffer into the future a loss of earnings and earning capacity as well as additional financial expenses and/or losses.

13. The injuries sustained by plaintiff were caused solely and proximately by the negligence of the defendant, its agents, servants and/or employees and/or its ostensible agents, servants and/or employees and were in no way caused by any act or omission on the part of the plaintiff.

WHEREFORE, plaintiff, Linda Baker, claims of the defendant damages in such sums as would reasonably compensate her for her losses and injuries under the laws of the State of New York, plus costs and disbursements incurred herein as well as any further relief this Honorable Court may deem just and proper under the circumstances.

Date: June 12, 2007
New York, New York

BY:


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Attorney for Plaintiff
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Of Counsel:
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Philadelphia, PA 19103
(215) 923-8900

VERIFICATION

I, MICHAEL ZHU, Esquire, hereby states that I am the attorney for the Plaintiff herein and verifies that the statements made in the foregoing Complaint are true and correct to the best of my knowledge, information and belief; and that this statement is made subject to the penalties relating to unsworn falsification to authorities.

Date: 6/12/07


MICHAEL ZHU, ESQUIRE MHZ7500

Index No.

Year

RJI No.

Hon.

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PORT AUTHORITY TRANS HUDSON CORPORATION

Defendants.

VERIFIED COMPLAINT

MICHAEL H. ZHU, ESQ.

Attorneys for Plaintiff Linda Baker

Office and Post Office Address. Telephone

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NEW YORK, N.Y. 10005
(212) 227-2245

To

Signature (Rule 130-1.1-a)

Attorney(s) for

.....
Print name beneath

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court. at
on

of which the within is a true copy will be presented for
one of the judges

at

M

Dated,

Yours, etc.

MICHAEL H. ZHU, ESQ.

Attorneys for plaintiff Linda Baker

Office and Post Office Address

14 WALL STREET, 22ND FLOOR

NEW YORK, N.Y. 10005

To

Attorney(s) for